

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LUCIO CRUZ-GUERRERO,

Defendant.

4:20-CR-3104

PRELIMINARY ORDER OF  
FORFEITURE

This matter is before the Court on the United States Motion for Preliminary Order of Forfeiture ([filing 50](#)). Count I of the information in this case ([filing 30](#)) charged the defendant with knowingly and intentionally conspiring with others to distribute and possess with intent to distribute 50 grams or more of methamphetamine (actual), in violation of [21 U.S.C. § 846](#). The information also contained a forfeiture allegation seeking forfeiture, pursuant to [21 U.S.C. § 853](#), of \$38,840 in United States currency seized on or about October 4, 2020, on the basis that it was property constituting, derived from, or used in the conspiracy alleged in Count I. [Filing 30](#), [filing 50 at 1](#).

The defendant has pleaded guilty to Count I of the information and admitted the forfeiture allegation. [Filing 40 at 26-27](#). By virtue of pleading guilty to the charge and admitting the forfeiture allegation, the defendant has forfeited his interest in the United States currency, and the government should be entitled to possession of the property pursuant to [§ 853](#). Therefore, the plaintiff's motion for preliminary forfeiture is granted.

IT IS ORDERED:

1. The plaintiff's Motion for Preliminary Order of Forfeiture ([filing 50](#)) is granted.

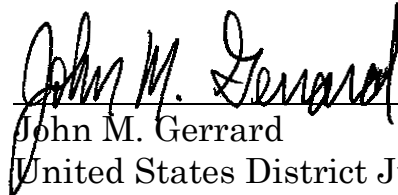
2. Based upon the defendant's guilty plea and admission of the forfeiture allegation of the indictment, the plaintiff is authorized to seize the \$38,840 in United States currency.
3. The defendant's interest in the property is forfeited to the plaintiff for disposition in accordance with law, subject to the provisions of [21 U.S.C. § 853](#).
4. The property is to be held by the plaintiff in its secure custody and control.
5. Pursuant to [21 U.S.C. § 853\(n\)\(1\)](#), the plaintiff shall publish for at least thirty consecutive days on an official Internet government forfeiture site ([www.forfeiture.gov](http://www.forfeiture.gov)) notice of this order, notice of publication evidencing the plaintiff's intent to dispose of the property in such manner as the Attorney General may direct, and notice that any person, other than the defendant, having or claiming a legal interest in the property must file a petition with the Court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.
6. Such published notice shall state that the petition referred to in paragraph 5, above, shall be for a hearing to adjudicate the validity of the petitioner=s alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in the property and any

additional facts supporting the petitioner's claim and relief sought.

7. The plaintiff may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property as a substitute for published notice as to those persons so notified.
8. Upon adjudication of all third-party interests, this Court will enter a final order of forfeiture pursuant to [21 U.S.C. § 853\(n\)](#), in which all interests will be addressed.

Dated this 21st day of July, 2021.

BY THE COURT:

  
\_\_\_\_\_  
John M. Gerrard  
United States District Judge